

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON, OHIO

ELWOOD H. JONES

Petitioner

Case No. 1:01-cv-564

v.

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

MARGARET BAGLEY, Warden,

Respondent.

**Elwood H. Jones's Motion to Change Date
of Evidentiary Hearing**

Elwood H. Jones moves this Court for an order changing the date of the hearing in this case from May 14, 2007, to July 16, 2007.

**Elwood H. Jones's Memorandum in Support of
Motion to Change Date of Evidentiary Hearing**

Trial Counsel for Petitioner, Michael L. Monta, has a trial previously scheduled for April 23, 2007, before Judge Barbara P. Gorman in the Montgomery County, Ohio Common Pleas Court. The case number is 2005 CR 2922. This trial involves a prosecution by the Ohio Attorney General charging a total of 268 counts of Engaging in a Pattern of Corrupt Activity, Money Laundering and Complicity to violate OHIO REV. CODE § 2915.09 and Theft. Additionally, Mr. Monta's client is one out of 15 total defendants in the Indictment. The trial is expected to last six weeks.

Petitioner's counsel have discussed this matter with the counsel for the Warden. Counsel for the Warden is prepared to go forward on May 14 but does not oppose the change of hearing dates.

Thus, this Court should grant the motion to change the date of the hearing in this case from May 14, 2007, to July 16, 2007.

Respectfully Submitted,

s/Michael L. Monta

MICHAEL L. MONTA (0032777)
Trial Counsel
3625 Old Salem Road
Dayton, Ohio 45415-1427
(937) 890-6921

s/Gary W. Crim

GARY W. CRIM (0020252)
943 Manhattan Avenue
Dayton, Ohio 45406-5141
(937) 276-5770

Attorneys for Elwood H. Jones

Certificate of Service

I, Gary W. Crim, counsel for Elwood H. Jones, certify that on February 15, 2007, I served a copy of this Motion to Change Date of Evidentiary Hearing on Counsel for the Warden, Matthew C Hellman and Heather L. Gosselin, by emailing it to mhellman@ag.state.oh.us and hgosselin@ag.state.oh.us.

s/Gary W. Crim

GARY W. CRIM